

REMARKS

The Applicant could not find the error "iconor" cited by the Examiner as occurring in the Abstract of the filed Specification.

No specifics for the rejection of Claim 55 were found.

Claims 1-55 are pending in the application.

Claims 1-55 are rejected.

Claims 1, 2, 4, 11, 12, 16-18, 20, 27, 28, 32-35, 42, 43, and 46 are amended for informalities or antecedent basis problems.

The Applicant respectfully asserts that the amendments to Claims 1, 2, 4, 11, 12, 16-18, 20, 27, 28, 32-35, 42, 43, and 46 and incorporated by reference in any claims depending therefrom, are not narrowing amendments made for a reason related to the statutory requirements for a patent that will give rise to prosecution history estoppel. See *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.*, 122 S. Ct. 1831, 1839-40, 62 U.S.P.Q.2d 1705, 1711-12 (2002); 234 F.3d 555, 566, 56 U.S.P.Q.2d 1865, 1870 (Fed. Cir. 2001).

I. REJECTION UNDER 35 U.S.C. § 103(a)

The Examiner has rejected claims 1-55 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,529,210 to *Rees* (hereafter "*Rees*") in view of U.S. Patent No. 6,323,884 to *Bird et al.* (hereafter "*Bird*").

The reference *Bird*, which may qualify as prior art under 35 U.S.C. § 102(e), does not preclude patentability under 35 U.S.C. § 103 since *Bird* and the claimed invention in claims 1-55 were at the time the invention was made, subject to an obligation of assignment to the same person, which in this case was International Business Machines Corporation. 35 U.S.C. § 103(c). Thus, *Bird* is disqualified as

being used as a prior art reference under 35 U.S.C. § 103(c). Consequently, the rejections of claims 1-55 are moot.

II. CONCLUSION

Claims 1, 2, 4, 11, 12, 16-18, 20, 27, 28, 32-35, 42, 43, and 46 have been amended to correct informalities or antecedent basis problems.

The Specification has not been amended to correct an informality in the Abstract of the disclosure on line 19 as the Applicant could not find this error in a copy of the filed Specification.

Claim 55 was not specifically addressed by the Examiner other than the Examiner's opening statement regarding 35 U.S.C. §103(a) rejections.

The Applicant has traversed the rejections of Claims 1-55 under 35 U.S.C. §103(a) as being unpatentable over *Rees* in view of *Bird*.

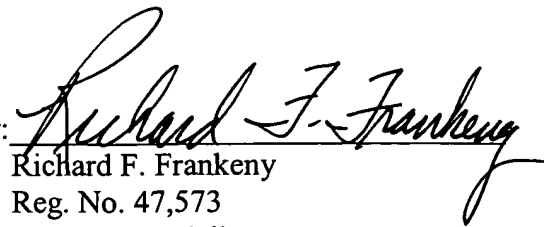
The Applicant, therefore, respectfully asserts that Claims 1-55 are now in condition for allowance and requests an early allowance of these claims.

Applicant respectfully requests that the Examiner call Applicant's attorney at the below listed number if the Examiner believes that such a discussion would be helpful in resolving any remaining problems.

Respectfully submitted,

WINSTEAD SECHREST & MINICK P.C.

Patent Agent and Attorney for Applicant

By: 
Richard F. Frankeny
Reg. No. 47,573
Kelly K. Kordzik
Reg. No. 36,571

P.O. Box 50784
Dallas, Texas 75201
(512) 370-2872